

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LANCASTER COMPOSITE, INC.,
Plaintiff,

v.

HARDCORE COMPOSITES OPERATIONS, LLC
and W. SCOTT HEMPHILL,
Defendants.

Civil Action No. 04-1414 SLR

**PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS IN
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Lancaster Composite, Inc. ("Lancaster Composite") submits this Statement of Uncontroverted Facts in support of its Motion for Partial Summary Judgment on Patent Infringement against Defendant W. Scott Hemphill.

1. The patent at issue in this motion is U.S. Patent 6,048,594 ("the '594 Patent") (Exhibit No. 1).

2. The patent at issue is owned by Plaintiff, Lancaster Composite, Inc.

3. The '594 Patent discloses a fiber reinforced resinous hollow structure enclosing a hard core.

4. Claim 1 of The '594 Patent recites:

A filled structure characterized by the combination of high compressive strength and tensile strength to allow a high bending load, the filled structure comprising:

a fiber reinforced resinous hollow structure having a tensile strength of at least 30,000 psi, and an inside surface forming a boundary which defines a space, and

a hard core within said space, the hard core having a density of at least 35 pounds per cubic foot and a compressive strength of at least 1500 psi, the hard core being formed from a

mixture of particulate cementitious material and liquid such that when said mixture hardens, said hard core is joined securely to said inside surface of said hollow structure.

5. Claim 3 of the '594 Patent recites:

The filled structure of claim 1, wherein the hollow structure is a closed section.

6. Claim 7 of the '594 Patent recites:

The filled structure of claim 1, further including a coating attached on the outside of the hollow structure with the coating comprising a material which absorbs or shields ultraviolet radiation.

7. Claim 10 of the '594 Patent recites:

The filled structure of claim 1, wherein said hard core is of material such that shrinkage thereof is negligible upon hardening.

8. Claim 11 of the '594 Patent recites:

A filled structure characterized by the combination of high compressive strength and tensile strength to allow a high bending load, the filled structure comprising:

a fiber reinforced resinous hollow structure having a tensile strength of at least 30,000 psi, and an inside surface forming a boundary which defines a space, and

a hard core within said space and engaged with said inside surface, the hard core having a density of at least 35 pounds per cubic foot and a compressive strength of at least 1500 psi, the hard core being formed from a mixture of particulate cementitious material and liquid.

9. Hardcore Composites Operations, LLC ("Hardcore") at some point after June 25, 2004, offered to sell a fiber reinforced resinous pile ("Hardcore Pile") filled or to be filled with concrete. See Hemphill Transcript B, pp. 16, 17-28.

10. W. Scott Hemphill ("Hemphill"), as President of Hardcore, has personally prepared the offers to sell a fiber reinforced resinous pile filled or to be filled with concrete. See Hemphill Transcript B, p. 29.

11. The Hardcore Pile is characterized by the combination of high compressive strength and tensile strength to allow a high bending load. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

12. The Hardcore Pile includes a fiber reinforced resinous hollow structure having a tensile strength of at least 30,000 psi, and an inside surface forming a boundary which defines a space. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

13. The Hardcore Pile includes, within the space, a hard core having a density of at least 35 pounds per cubic foot and a compressive strength of at least 1500 psi. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

14. The hard core of the Hardcore Pile is formed from a mixture of particulate cementitious material and liquid. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

15. The hard core of the Hardcore Pile has a density of at least 35 pounds per cubic foot and a compressive strength of at least 1500 psi. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

16. The hard core of the Hardcore Pile is joined securely to the inside surface of the hollow structure when the mixture hardens. See Hemphill Transcript C, and specifically Deposition Exhibit 2.

17. The hard core of the Hardcore Pile is engaged with the inside surface. See Hemphill Transcript C, and specifically Deposition Exhibit 2.

18. The hollow structure of the Hardcore Pile is a closed section. See Hemphill Transcript C, and specifically Deposition Exhibit 2.

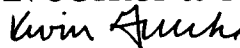
19. The Hardcore Pile includes a coating attached on the outside of the hollow structure with the coating comprising a material which absorbs or shields ultraviolet radiation. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

20. The hard core of the Hardcore Pile is made of a material such that shrinkage thereof is negligible upon hardening. See Hemphill Transcript C, and specifically Deposition Exhibits 1 and 2.

21. Through his advertising and offers to sell Hemphill has urged others to fill FRP piles with concrete. See Hemphill Transcript C, and specifically Deposition Exhibit 2.

Respectfully submitted,

SEITZ, VAN OGTROP & GREEN, P.A.


/s/ Kevin A. Guerke

Dated: 8/17/06

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CERTIFICATE OF SERVICE

I, Kevin A. Guerke, Esquire, hereby certify that on August 17, 2006, I caused a copy of the foregoing *Plaintiff's Statement of Uncontroverted Facts in Support of Motion for Partial Summary Judgment* to be served via U.S. First Class Mail upon the following:

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Wilmington, DE 19808


/s/ Kevin A. Guerke

By: _____
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